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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,733	12/18/2001	Jeanine Picraux	10017782-1	4649

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HEWLETT-PACKARD COMPANY
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EXAMINER

FLYNN, KIMBERLY D

ART UNIT PAPER NUMBER

2153

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/029,733	PICRAUX, JEANINE	
	Examiner	Art Unit	
	Kimberly D Flynn	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 2, 10, 13 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claims 2, 10, 13, and 21 each recites, *inter alia*, “running the first node and the second node at two different frequencies” is ambiguous. It is not clear as to how the nodes are run at two different frequencies. The limitation could have multiple meanings including: the frequency at which the processor is run, the frequency of transactions, or the type of connection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 3-9, 11-12, 14-20, and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Foladare (U.S. Patent No. 5,914,472).

In considering claims 1, 9, 12, 20, and 23-24 Foladare discloses a system and method for transmitting information from a second node to a first node comprising the steps of:

establishing a communication link between the first node and the second node (col. 4, lines 16-23);

allowing one or more data transactions transmitted on the communication link between the first node and the second node (col. 4, lines 23-26);

identifying a data stream of a data transaction being transmitted from the second node to the first node (col. 4, lines 26-31); and

stalling the transaction to insert the information from the second node via the data stream to the first node (the central computer inherently stalls the transaction to contact and request an approval/refusal from the account holder, the central computer then inserts an approval/refusal code for transmission to the merchant); wherein the information is not part of the data transaction when the data transaction starts from the second node to the first node (col. 4, lines 35-40 and lines 38-57).

In considering claim 3, 11, 14, and 22, Foladare discloses the step of including instructions in the information for the first node to perform a task (col. 4, lines 48-57; the approval code inherently includes instructions for the merchant to approve the transactions while the refusal code inherent includes instructions for the merchant to deny the transaction).

In considering claims 4 and 15, Foladare discloses that the task includes one or a combination of resending some data, removing the first node, removing a part of the first node,

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restarting the first node, resetting the first node, notifying the first node, authorizing the first node (col. 4, lines 48-53).

In considering claims 6 and 17, Foladare discloses the step of sending information in a packet that is not counted as part of the data stream being transmitted from the second node to the first node (col. 6. lines 4-10; Foladare teaches that if the message received from the account holder at the node is a refusal then the approval code, previously received from the card issuer, that would have been transmitted had the account holder not exceeded the spending limit, is now not sent but instead replace by a refusal code).

In considering claims 7 and 18, Foladare discloses that the first node and second node are selected from a group consisting of a computer system (central computer), a network device (credit card reading device), a microprocessor, and an electronic chip (the merchant activates the transaction at a credit card reading device and initiates contact with a remote transaction card service provider/central computer col. 4, lines 16-19).

In considering claims 6 and 17, Foladare discloses the step of sending information in a packet that is not counted as part of the data stream being transmitted from the second node to the first node (col. 6. lines 4-10; Foladare teaches that if the message received from the account holder at the node is a refusal then the approval code, previously received from the card issuer, that would have been transmitted had the account holder not exceeded the spending limit, is now not sent but instead replace by a refusal code).

In considering claims 8 and 19, Foladare discloses the steps of saving the status of the transaction at the time the transaction is stalled and resuming the transaction based on the saved status (col. 6, lines 4-10; Foladare teaches stalling the transaction to request permission to

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complete the transaction and upon receipt of the approval code of the proposed procurement transaction the approval code (status) previously received from the card issuer is transmitted to the merchant once the transaction is resumed).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 571-272-3954. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly D Flynn
Examiner
Art Unit 2153

KDF


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